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Human Rights Council
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Agenda item 4

Resolution adopted by the Human Rights Council on 6 July 2018

38/14. Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 35/27 of 23 June 2017, and regretting the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in its resolutions, including on access of the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;[1]

2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the undue restrictions on the freedoms of peaceful assembly, association and expression, while noting the positive step taken in permitting a public celebration of the one-hundredth anniversary of the declaration of independence of the Republic of Belarus on 25 March 2018; the continued allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which are not properly investigated by the authorities; the ongoing harassment of human rights defenders, trade unions and civil society organizations, many of which are denied registration or raided by the authorities; and the arrest and fining of journalists for performing their activities and various infringements of freedom of expression, including by the media; and urges the Government to fully respect the freedoms of peaceful assembly, association and expression;

[1] A/HRC/38/51.

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3. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies, and also deplores discrimination particularly affecting individuals belonging to vulnerable groups and religious minorities;

4. *Reiterates* its call upon the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

5. *Welcomes* the adoption by the Government of Belarus on 24 October 2016 of an inter-agency plan on human rights for the period 2016–2019 for the implementation of the recommendations accepted by the Government during the second cycle of the universal periodic review of Belarus and the recommendations by some treaty bodies, encourages the Government to review and amend the plan by including recommendations by human rights mechanisms and by taking into account suggestions made by civil society organizations, also welcomes the submission of the fifth report by the Government on the implementation of the International Covenant on Civil and Political Rights, in March 2017, and further welcomes the registration of the Tell the Truth movement as a non-governmental organization in May 2017 and the MAKEOUT lesbian, gay, bisexual and transgender project in March 2018, and the steps taken towards a public debate on the application of capital punishment;

6. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations;

7. *Urges* the Government of Belarus to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

8. *Recalls* that it welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, those civil and political rights have not been reinstated, and political activists continue to be ill-treated and to face questionable and politically motivated charges, while there has been no progress on four outstanding cases of enforced disappearance of political opponents dating back to 1999 and 2000;

9. *Strongly encourages* Belarus to implement without delay the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, which were apparent again during the local elections in February 2018, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur;

10. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

11. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its forty-first session and to the General Assembly at its seventy-fourth session;

12. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country in his official capacity in order to assist the Government in fulfilling its international human rights obligations and by considering implementation of his recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of his mandate, and requests the latter to continue to monitor developments and make recommendations.

38th meeting
6 July 2018

[Adopted by a recorded vote of 19 to 6, with 21 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Germany, Hungary, Japan, Mexico, Panama, Peru, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Egypt, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Ecuador, Ethiopia, Georgia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia]